

FEB 22 2000

EIS002297

**Statement from Inyo County, California****Delivered by Andrew Remus, Inyo County Yucca Mountain Repository Assessment  
Office at the February 22, 2000 DEIS Public Hearing in San Bernardino, CA**

I am Andrew Remus, staff to the Inyo County Board of Supervisors. Inyo County is an Affected Unit of Local Government under the Nuclear Waste Policy Act and has participated in oversight of the Yucca Mountain program since 1991. We have already submitted our formal response to the Draft EIS in comments dated January 24, 2000 and received by DOE February 11, 2000, and the County also submitted comments at the first California hearing on the EIS on November 4<sup>th</sup> in Lone Pine. On behalf of Inyo County and for the benefit of the general public, I want to briefly describe several of the County's key concerns with the EIS.

1 The County's primary concern is the transportation campaign necessary to move spent nuclear fuel and high-level waste in Yucca Mountain. The DEIS does not identify specific primary, secondary or emergency transportation routes for nuclear waste traveling through California. Specific routing decisions, in terms of the use of rail or trucks, designation of primary and alternate routes through Nevada and California are deferred to the indefinite future.

DOE has performed a limited generic transportation analysis that avoided analysis of conditions, impacts, and hazards along the routes and sidesteps the controversy associated with such determinations. The Department needs to engage in a comprehensive study of the transportation campaign in order to develop a scientifically defensible, least-risk-based determination of routes. The risk analysis methodology should be subject to public review as part of a revised DEIS and should provide a range of transportation-risk options and associated fiscal impact estimations. The preferred corridors should be mapped by DOE and the required roadway and emergency response improvements identified.

2 Low level nuclear waste is currently being transported on State Route 127 through Inyo and San Bernardino counties, setting a precedent for expanded use of the route for high-level waste and spent fuel. State Route 127 is not an engineered route, and most of SR127 originated as a wagon trail that was paved over a period of time. The road is characterized numerous unbanked, unsigned high-speed turns, blind rises where visibility is nil, sustained grades in excess of modern standards and dozens of washes crossing both over and under the pavement. The road does not include turnouts or wide shoulders, and is subject to flash flooding and rapid erosion.

The Nuclear Waste Policy Act, Section 180(c) calls for Federal action to provide improvements in emergency response training and capability along routes designated for the transport of high-level nuclear waste and spent fuel. The virtual absence of emergency response capability on Route 127 and the isolated character and the current configuration of this roadway promise to make compliance with this part of the Act an involved and expensive exercise on the part of the Federal Government. The DEIS makes no attempt to estimate the required dedications of Federal resources necessary to meet its obligations under Section 180(c).

3 The transportation section of the DEIS does not include enough information to decide among the possible combinations of legal-weight truck, heavy-haul truck and rail transport modes, however Inyo County does, based on the available information, have a preference for development and use of the Chalk Mountain Route for waste shipments originating east of California. Dedication of this route to nuclear waste transport would make extensive use of secure Federal lands directly north of the repository site and could significantly reduce the number of shipments of out-of-state waste on southern routes such as Interstate 15, Interstate 40, Nevada Routes 95 and 160 and California State Route 127.

4 The DEIS provides two poorly developed No-Action alternatives for public consideration. The alternatives are not provided, as required by NEPA, analysis at a level of detail equivalent to that provided for the proposed action. Such treatment of project alternatives cripples decision-makers in any attempt to discern how development of the repository compares, in the terms of cost, time, resource commitment, and risk, to technologically feasible alternatives to Yucca Mountain. We recognize that the proposed Yucca Mountain Nuclear Waste Repository is provided, by Congress, with significant exceptions to normal NEPA requirements. The Department of Energy, in developing its NEPA evaluation for the proposed repository is, however, obligated to evaluate reasonable alternatives outside the scope of what Congress has approved or funded, because the findings of the Environmental Impact Statement may serve as the basis for modifying the Congressional mandate. DOE is also obligated to explore alternatives outside the jurisdiction of the Department of Energy. These requirements are clearly laid out in the Code of Federal Regulations (40 CFR 1502) and CEQ Guidelines which lay the basis for fulfilling the Congress-informing function of NEPA.

DOE should eliminate the current project alternatives described in the DEIS and develop a range of reasonable project alternatives, providing analysis of each at a level of detail matching that provided for the proposed repository. Alternatives should include: 1) a no-action alternative that assumes permanent on-site storage of existing and future stocks of spent fuel and high-level waste; 2) an alternative which redirects DOE resources towards waste-volume reduction and consolidation of spent nuclear fuel and high-level waste at *existing* DOE storage facilities; and 3) any other alternative which can be implemented using available knowledge and technology which meets the need for storage of spent nuclear fuel and high-level waste expressed in the Nuclear Waste Policy Act.

5... To conclude, the current level of uncertainty associated with the project and the lack of scientific information necessary to reduce some of the major uncertainties makes it difficult to imagine that the document will be found adequate for use by the Nuclear Regulatory Commission in its consideration of DOE's application for a license to construct a repository.

The absence of meaningful treatment of the environmental impacts of the transportation component of the project is a major flaw in the Draft Environmental Impact Statement which will eventually require that DOE develop a second Environmental Impact Statement specific to transportation issues. This being the case, Inyo County objects to the use of the current DEIS as the basis for future decision-making on waste transport and

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requests that DOE amend the Environmental Impact Statement to address the full range of impacts accruing to construction and operation of the repository.

We request that the new draft EIS be released for a full comment period of 180 days, to include public hearings to be held in Inyo County, in San Bernardino County, and in Sacramento.

**Note to DOE Staff/Administration:** This statement is an extract from Inyo County Board of Supervisors comments dated January 24, 2000 and received by your office (Wendy Dixon) February 11, 2000. Since there is no language in this statement, made Feb 22, 2000 in San Bernardino, California, which was not included in Inyo County's January 24, 2000 submittal, no separate response needs to be made, in the FEIS, to this (Andrew Remus's) statement of February 22, 2000. Please feel free to call Andrew Remus, Inyo County Planning Department (760) 878-0447 if you have any questions.